



Critical Analysis of the Evolution of Educational Policies and the Impact on Minorities

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1. Introduction

India has had three National Education Policies (NEPs)¹ introduced in 1968, 1986, and 2020; each policy was formulated to address the country's changing educational needs and challenges.² India's first National Education Policy was developed in 1968, almost two decades after India's independence from British rule.³ The National Policy on Education (NEP) of 1968 emphasized equal education opportunities for all. In 1986, India's Second National Policy on Education was unveiled. Its main goals were to raise teaching standards, lay the groundwork for a knowledge-based economy,⁴ give importance to women's education, promote minority education, and reduce dropouts from schools. With the introduction of new subjects and programs like environmental education, legal studies, and vocational education, this policy emphasized the need for a more adaptable and varied educational system.⁵ Additionally, it aimed to widen access to higher education and encourage the use of technology in the classroom. The most recent and extensive policy to date is the third National Education Policy, unveiled in 2020. It is widely criticized for being detrimental to the interests of minorities. No member of any religious minority communities was involved in drafting the NEP; it is silent on many aspects, like the rights of minority educational institutions.⁶ It does not acknowledge the contribution of the minority community in India's educational sector but rather stresses the contribution of ancient Indian society.⁷ It also excludes secularism as a constitutional value.⁸ This is a mark deviation from the previous two NEPs.

2. The National Policy on Education (NPE) of 1968

The National Policy on Education (NPE) of 1968 recognized the importance of protecting the

¹ Sartha, A., Mr (2022). NATIONAL EDUCATION POLICY (NEP 2020): AN ANALYTICAL INSIGHT INTO THE REFORMS IT WILL BRING IN SCHOOL AND HIGHER EDUCATION IN INDIA. International Journal of Advanced Research in Management and Social Sciences, Vol. 11(No. 3), 1-113. <https://garph.co.uk/IJARMSS/Mar2022/12.pdf>

² Thakur, P., Mr. (2021). EDUCATIONAL POLICIES, COMPARATIVE ANALYSIS OF NATIONAL EDUCATION POLICIES OF INDIA AND CHALLENGES. International Journal of Multidisciplinary Educational Research, VOLUME:10(ISSUE:3(5)), 1-16. <https://doi.org/13.4.2021>

³ Chowdhury, P. D., Mr. (2020). Education Policy in India: Changes, Challenges and Implementation. International Journal of Science and Research (IJSR), Volume 10(Issue 9), 1-5. <https://doi.org/9.7.2021>

⁴ Bharat, S. (1968). National policy on education. *History*, 2(3), 1986. https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf

⁵ Id. Page no.48

⁶ Qadir, D. N. (2020). National Education Policy-2020 is silent on minorities' educational issues: India Tomorrow Journalism of Vision & Optimism. <https://doi.org/September 6, 2020>.

⁷ Mascarenhas, F. (2019). Consequences of the NEP 2020: An Educator's Viewpoint. *Indian Currents*. <https://doi.org/28 Sep 2020>.

⁸ Raveendranath, C. (2020). New Education Policy 2020: A Policy Refuting Federalism and Diversity. *People's Democracy*. <https://doi.org/August 23, 2020>.

educational rights of religious minority communities in India.⁹ The policy aimed to promote a diverse and inclusive education system that catered to the needs of all sections of society,¹⁰ irrespective of their religion, caste, or gender.

The policy recognized that religious minority communities had historically faced social, economic, and educational inequalities and that these inequalities needed to be addressed through affirmative action and special measures.¹¹ The policy mentioned in clause 4 of the first National Policy on Education in 1968 emphasized the need to provide equal opportunities to all sections of society, including religious minorities, in the educational system.¹²

Most importantly, the policy also recognized the importance of promoting the education of young girls and women,¹³ particularly in religious minority communities, and providing them with equal opportunities in the educational system.¹⁴ The policy also recognized the importance of providing education in the regional languages,¹⁵ especially for religious minority communities, to enable them to access education more efficiently and effectively.¹⁶

The policy emphasized the need to protect the autonomy and integrity of religious minority educational institutions and to ensure they could function without any interference or discrimination.¹⁷ The policy recommended the enactment of suitable legal provisions to safeguard the interests of minority educational institutions and the establishment of a National Commission for Minority Educational Institutions to oversee their implementation.¹⁸

Generally, the NPE of 1968 aimed to promote the educational rights of religious minority communities and to provide them with equal opportunities in the educational system.¹⁹ The policy recognized the importance of a diverse and inclusive education system that catered to all societal needs and helped promote national unity and integration.²⁰

Clause 18 of the first National Policy on Education 1968 provided that.

“Education of Minorities: Every effort should be made not only to protect the rights of minorities but to

⁹ Bharat, S. (1968). National policy on education. *History*, 2(3), 1986. https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=NATIONAL+POLICY+ON+EDUCATION%2C+1968&oq=NATIONAL+POLICY+ON+EDUCATION%2C+1968

¹⁰ Saakshar, B., Mr. National Policy on Education, 1968. 1-45. https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/NPE-1968.pdf.

¹¹ Deem, R., Case, J. M., & Norkala, T. (2022). Researching inequality in higher education: tracing changing conceptions and approaches over fifty years. *Higher Education*, 84(6), 1245-1265.

¹² Bharat, S. (1968). National policy on education. *History*, 2(3), 1986. https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=NATIONAL+POLICY+ON+EDUCATION%2C+1968&oq=NATIONAL+POLICY+ON+EDUCATION%2C+1968

¹³ Saakshar, B., Mr. National Policy on Education, 1968. 1-45. https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/NPE-1968.pdf. Bharat, S. f

¹⁴ Id Page No- 40

¹⁵ Id Page No-42

¹⁶ Groff, C. Language and language-in-education planning in multilingual India: a minoritized language perspective. *Lang Policy* 16, 135–164 (2017). <https://doi.org/10.1007/s10993-015-9397-4>

¹⁷ Vaishnav, S., Mr. (2018). Educational rights of minorities under article 30 A prime source of inequality. *Legal Service of India*. <https://doi.org/20.7.2018>

¹⁸ Abdu, K. C. M., Abdu, K. M. M., Valluvambam, P. O., Malappuram, K., Jose, G. C. M., Dist–Malappuram, K. V. S., ... & Welfare, M. (2018). NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS GOVERNMENT OF INDIA (Doctoral dissertation, Government of Tamil Nadu Christian 2 254 of 2018 Holy Cross Blossoms Opportunity School for Special Children, Holy Cross College).

¹⁹ ‘Sustainable Development Goals 4: Quality Education’, United Nations India, available at <https://in.one.un.org/page/sustainable-development-goals/sdg-4/>.

²⁰ ‘UN (2024) Sustainable Development Goals 4: Quality Education’, United Nations India, available at <https://in.one.un.org/page/sustainable-development-goals/sdg-4/>.

promote their educational interests as suggested in the statement issued by the conference of the Chief Ministers of States and Central Ministers held in August 1961."²¹

The National Policy on Education (NPE) of 1968 was a landmark document that provided a comprehensive framework²² for developing education in India. One of the key objectives of the National Policy on Education was to promote national integrity²³ and to ensure that education was free from religious or caste-based prejudices. In line with this objective, the NPE recognized the rights of religious minority communities to establish and administer their educational institutions in India.²⁴ The policy recognized the importance of preserving such communities' cultural and religious minority identity and acknowledged that education played a critical role in this process.²⁵

The National Policy on Education, therefore, stated that the government would take steps to ensure that the educational rights of religious minority communities were protected and that they could establish and administer institutions that reflected their cultural and religious minority heritage.²⁶ The policy also recognized the need to provide financial assistance to such institutions and to ensure that they could maintain academic standards that were on par with other institutions in the country.²⁷

3. Impact of First NPE on Religious Minorities in India

The National Policy on Education (NPE) of 1968 significantly impacted religious minorities in India in terms of establishing and administering educational institutions of their choice.²⁸ The policy recognized the right of religious minority communities to develop and administer educational institutions of their own, including religious minorities.²⁹ This was an essential step towards promoting the diversity of the Indian education system and ensuring equal opportunities for all.

The National Policy on Education of 1968 also recognized the importance of providing education in the regional languages, especially for religious minority communities.³⁰ This was to preserve the cultural and linguistic identity of religious minority communities and to promote their participation in the national mainstream.

Additionally, the policy provided for establishing minority educational institutions, which were to be granted special privileges and exemptions.³¹ The National Policy on Education of 1968 thus provided a framework³² for establishing and administrating educational institutions by religious minorities in

²¹ Saakshar, B., Mr. National Policy on Education, 1968. *Ministry of Education*. https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/NPE-1968.pdf

²² Singh, R. P., Kaurav (2020). NEW EDUCATION POLICY, 2020: QUALITATIVE (CONTENTS) ANALYSIS AND TWITTER MINING (SENTIMENT) ANALYSIS. *Journal of Content, Community & Communication*, Vol. 12, 1-10. <https://doi.org/6.12.2020>

²³ Mehta, A. C., Mr (2022). Education for All in India. *Samagra Shiksha Abhiyan*, 1-2. <https://educationforallinindia.com/1968-education-policy-and-after/>

²⁴ Verma, D., Mr. (2023). Article 30 Of The Indian Constitution. <https://doi.org/20.1.2024>

²⁵ Id.

²⁶ Bielefeldt, H., Mr. (1992). Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. *United Nation Human Rights Office of the High Commissioner*. <https://doi.org/18.12.1992>

²⁷ Government of India (2023) Ministry of Human Resource Development, "National Education Policy 2020".

²⁸ Policy, N. E. (2020). Ministry of Human Resource Development Government of India. pp1-65. <https://doi.org/30.8.2020>

²⁹ Mahmood, F., Mr. (2020). Minorities and their Educational Rights with Special Reference to India. *The Indian Journal of Politics*, Vol. 54,, pp-38. <https://www.amu.ac.in/>

³⁰ Grewal, N., Mr. NATIONAL POLICY ON EDUCATION (1968). https://www.academia.edu/24756542/NATIONAL_POLICY_ON_EDUCATION_1968

³¹ Bharat, S. (1968). National policy on education. *History*, 2(3), 1986. https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=NATIONAL+POLICY+ON+EDUCATION%2C+1968&btnG

³² Singh, R. P., Dr. (2020). NEW EDUCATION POLICY: QUALITATIVE (CONTENTS) ANALYSIS AND TWITTER MINING (SENTIMENT ANALYSIS). *Journal of Content, Community & Communication*, Vol. 12(ISSN: 2395-7514), 1-13. <https://doi.org/6.12.2020>

India and recognizing the importance of cultural diversity and education³³ in the education system by protecting religious minority rights in this regard. The policy helped to create a more inclusive and equitable education system in India, allowing all religious communities to participate and contribute.³⁴

The National Policy on Education (NPE) of 1968 recognized the importance of promoting the educational development of all communities, including religious minority communities.³⁵ It aimed to create an inclusive and equitable education system.³⁶ In keeping with this objective, the policy recognized the importance of religious minority-run educational institutions and called for actions to strengthen and support them.³⁷

The policy recognized that religious minority educational institutions played an important role in providing education to members of their respective communities and that they had unique cultural and educational institutions.³⁸ It acknowledged the right of religious minority communities to establish and administer their educational institutions and called for measures to support and strengthen these institutions.³⁹ Additionally, the policy called for financial assistance to be provided to religious minority educational institutions to ensure they were adequately equipped and staffed.⁴⁰ It also recognized the importance of ensuring that religious minority educational institutions could offer education on par with the best institutions in the country and called for steps to be taken to improve the quality of education these institutions provide.⁴¹

4. Impact of the Policy on Legislation

The first National Policy on Education had a significant impact on the legislative process. Several central and state laws that reflect the first NPE guidelines were enacted to provide benefits and protections to minorities. Some of the significant laws that were passed between 1968 and 1986 are as follows:

a. The National Commission for Minorities Act, 1978:

The National Commission for Minorities Act was enacted by the Indian Parliament in 1978 to establish the National Commission for Minorities.⁴² The commission's primary objective is to safeguard the interests of religious minority communities in India and to promote their socio-economic, educational,

³³ Mallick, M. A. (2013). Multiculturalism, Minority Rights and Democracy in India. *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)*, Volume 16(Issue 1), PP72-82. <https://old.amu.ac.in/emp/studym/2992.pdf>

³⁴ Sharma, P., Mr. (2020). THE INCLUSION OF MULTICULTURALISM IN SCHOOL EDUCATION: A STUDY OF THE POLICIES AND PRACTICES. *NATIONAL INSTITUTE OF EDUCATIONAL PLANNING AND ADMINISTRATION, NEW DELHI MAY 2020*, PP1-98. [http://www.niepa.ac.in/scholar/Batch/2018/9_Priyank%20Sharma%20\(20181007\).pdf](http://www.niepa.ac.in/scholar/Batch/2018/9_Priyank%20Sharma%20(20181007).pdf)

³⁵ MINISTRY OF HUMAN RESOURCE DEVELOPMENT (1998) NATIONAL POLICY ON EDUCATION, 1968. http://www.doccentre.net/docsweb/Education/Scanned_material/New_Folder/edupolicy_n00.34.pdf

³⁶ Grewal, N. (2017) NATIONAL POLICY ON EDUCATION (1968). https://www.academia.edu/24756542/NATIONAL_POLICY_ON_EDUCATION_1968

³⁷ Bharat, S. (1968). National policy on education. *History*, 2(3), 1986. https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=NATIONAL+POLICY+ON+EDUCATION%2C+1968&btnG

³⁸ Ali, S. K. Jahangir. "Cultural and Educational Rights of Minorities: A Human Right and Constitutional Law Perspective." *Indian Journal for Social Studies and Humanities*, 1, 1-14. <https://www.scribd.com/document/496424543/synopsis>

³⁹ Jain, R., Shri (2004). Minority Rights in Education: Reflections on Article 30 of the Indian Constitution. *Economic and Political Weekly*, Vol. 40(No. 24), pp.2430-2437. <https://doi.org/17.11.2005>

⁴⁰ Lines, P. M. (1982). State regulation of private education. *The Phi Delta Kappan*, 64(2), 119-123.

⁴¹ Abdu, K. C. M., Abdu, K. M. M., Valluvambam, P. O., Malappuram, K., Jose, G. C. M., Dist-Malappuram, K. V. S., ... & Welfare, M. (2018). *NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS GOVERNMENT OF INDIA* (Doctoral dissertation, Government of Tamil Nadu Christian 2 254 of 2018 Holy Cross Blossoms Opportunity School for Special Children, Holy Cross College). <https://ncmei.gov.in/WriteReadData/LINKS/Guidelines4220a812-e176-470c-a622-6a84ae5b049e.pdf>

⁴² Aggarwal, P., Mrs. (2021). National Commission for Minorities (NCM). *Indian Polity*. <https://doi.org/JANUARY 22, 2021>

and cultural development.⁴³ The commission is a statutory body empowered to investigate and monitor any matters relating to the safeguards provided for religious minorities under the Indian Constitution and other laws.⁴⁴ It is also responsible for recommending measures for their effective implementation.⁴⁵ In 1992, the name of the commission was changed from the Minorities Commission to the National Commission for Minorities, and it was given more teeth through the introduction of statutory powers. Since then, the commission has been playing a significant role in protecting the rights and interests of religious minority communities in India.⁴⁶ Many state governments had also enacted laws in pursuance of the NPE, for example.

b. The Tamil Nadu Minorities Educational Institutions (Regulation) Act, 1974

The Tamil Nadu state government in India enacted the law.⁴⁷ The purpose of this act was to regulate the establishment and functioning of educational institutions established and administered by religious minorities in the state of Tamil Nadu.⁴⁸ Under this act, religious minority educational institutions are required to obtain recognition from the state government and comply with their regulations and standards concerning the academic qualifications of teachers, admission policies, and curricula.⁴⁹ The act also established a minority commission to oversee the functioning of religious minority educational institutions in the state.⁵⁰ The act was passed to promote the development of education among religious minority communities in Tamil Nadu and ensure that they have access to quality education.⁵¹ Prior to the enactment of this act, religious minority educational institutions faced challenges in obtaining recognition from the government and complying with various regulations.⁵²

c. Andhra Pradesh Minorities Education Institutions (Establishment and Regulation) Act, 1982,⁵³

was passed by the Andhra Pradesh state government. The purpose of this act was to provide for the establishment and regulation of educational institutions established and administered by religious minorities in the state of Andhra Pradesh.⁵⁴ Under this act, religious minority educational institutions are given the right to establish and manage their institutions, appoint teachers, and determine their admission policies. However, these institutions are under the scrutiny of specific academic standards and must submit regular reports to the state government.⁵⁵ The act was passed to promote the development of education among religious minority communities in Andhra Pradesh and to ensure that they had access to quality education. Prior to this act, religious minority communities had faced difficulties in establishing and maintaining their educational institutions.⁵⁶

The Andhra Pradesh Minorities Education Institutions (Establishment and Regulation) Act, 1982, is an essential legislation that helped to promote the rights of religious minority communities in Andhra

⁴³ Menon, M. (2022). Negotiating Inclusion: Minority Institutions and Constitutional-Legal Dimensions in India. In *Critical Sites of Inclusion in India's Higher Education* (pp. 41-65). Singapore: Springer Singapore.

⁴⁴ Najjullah, S. (2011). *Muslim minorities and the National Commission for Minorities in India*. Cambridge Scholars Publishing.

⁴⁵ E. M. O. M. A. G. O. I. (2022). *National Commission for Minorities*. https://doi.org/10.1007/978-981-10-1717-1_17 17th May 1993

⁴⁶ Aggarwal, P., Mrs. (2021). National Commission for Minorities (NCM). *Indian Polity*. https://doi.org/10.1007/978-981-10-1717-1_17 JANUARY 22, 2021

⁴⁷ Dhanuraj, D. (2006). Centre for Public Policy Research.

⁴⁸ T Tamil Nadu. (1974). Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 (Tamil Nadu Act 29 of 1974).

⁴⁹ Vijapur, A. (2017). Rights of Minorities to Establish and Administer Educational institutions in India: Some Constitutional Reflections.

⁵⁰ Raj, T. S. (1986). Tamil Nadu. *Indian Journal of Public Administration*, 32(4), 1075-1081.

⁵¹ Dhanuraj, D. (2006). Centre for Public Policy Research.

⁵² Misra, R., Mahmood, T., Wilson, A., Singh, M., & Das, A. (2007). Report of the national commission for religious and linguistic minorities. *Delhi: Government of India*. Retrieved on Jun, 20, 2013.

⁵³ Andhra Pradesh High Court. Baddam Prabhavathi Vs Govt of Andhra Pradesh. Judgments (2001) 11 AP CK 0043

⁵⁴ Pandey, B. N. (2000). *Socio-legal Study of Cultural and Educational Rights of the Minorities*. APH Publishing.

⁵⁵ Venkatanarayana, M. (2004). Educational deprivation of children in Andhra Pradesh: levels and trends, disparities and associative factors.

⁵⁶ Pai, S. (2016). Affirmative action, group rights and democracy: The Mala–Madiga conflict in Andhra Pradesh. In *Rethinking State Politics in India* (pp. 352-381). Routledge India.

Pradesh and ensures that they have access to quality education.⁵⁷

d. The Karnataka Minority Educational Institutions (Recognition and Regulation) Act, 1983, was passed by the Karnataka State Government in India.⁵⁸ This act aimed to provide recognition and regulation of educational institutions established and administered by religious minorities in the state of Karnataka.⁵⁹ Under this act, religious minority educational institutions are granted rights and privileges, such as the right to management of their affairs and appointment procedures.⁶⁰ However, the institutions are also subject to specific regulations and oversight by the state government, such as the requirement to adhere to academic standards and the requirement to submit regular reports to the government.⁶¹ The act was passed in response to the needs of religious minority communities in the state of Karnataka, who had been struggling to establish and maintain their educational institutions.⁶² By providing legal recognition and regulation of these institutions, the government aimed to promote the development of education among minority communities and to ensure that they had access to quality education.⁶³

The Karnataka Minority Educational Institutions (Recognition and Regulation) Act, 1983, is another significant piece of legislation that helps to promote the rights of religious minority communities in the state of Karnataka and ensures that they have access to quality education.⁶⁴

ii. Second National Policy on Education 1986

The Second National Policy on Education (1986) was a landmark document that aimed to provide a framework for developing quality education in India.⁶⁵ The policy recognized the importance of education for the overall development of the country.⁶⁶ It emphasized the need to provide equal educational opportunities to all sections of society, including religious minorities.⁶⁷ From the perspective of religious minority educational institutions, the policy recognized the critical role played by religious minority institutions in providing education to their respective communities.⁶⁸ The policy emphasized the need to preserve these institutions' autonomy and cultural, educational, and religious identity while ensuring they provided a quality education.⁶⁹

The policy recognized the right of religious minorities to establish and administer their educational institutions. It stated that the government would provide financial assistance to these institutions on a

⁵⁷ Vidyasagar, K. (2006). Educational Challenges and the Role of Teachers in Andhra Pradesh: A Case for Institutional Initiatives. *Journal of Social and Economic Development*, 9(2), 178-198.

⁵⁸ Lawstreet New Network (2023). Provisions of Karnataka Education Act on retrenchment of employees applies even for unaided and linguistic minority dental colleges: High Court. *Lawstreet New Journal*. <https://doi.org/Oct 25, 2023>.

⁵⁹ Governor of Karnataka, The Karnataka Education Act, 1983.

⁶⁰ Yakkundimath, T. (2003). *Primary schools in Dharwad: Amidst paisa, power & politics* (No. 0069). Working Paper.

⁶¹ Pavithra, R. H. (2023). Study on Issue and Challenges of Government Schools in Karnataka. *British Journal of Multidisciplinary and Advanced Studies*, 4(3), 56-72.

⁶² Persaud, P. (2015). Unpacking India's Right to Education Act: The private school free seat provision—potential for increased access and inclusion?.

⁶³ Rao, Y. A. (1986). Karnataka. *Indian Journal of Public Administration*, 32(4), 1063-1067.

⁶⁴ Persaud, P. (2015). Unpacking India's Right to Education Act: The private school free seat provision—potential for increased access and inclusion?.

⁶⁵ Human Resource Development (1995) national policy on education 1986 PROGRAMME OF ACTION-1992 https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/POA_1992.pdf

⁶⁶ Kantha, V. (2020). National education policies (1968 and 1986) and the Ramamurti committee report (1992). In *Vision of Education in India* (pp. 131-154). Routledge.

⁶⁷ CHAKMA, D., Mr. (2022). National Education Policy 1986. <https://doi.org/15.01.2022>

⁶⁸ Bhola, H. S. (1988). A Policy Analysis of Adult Literacy Education in India: Across the Two National Policy Reviews of 1968 and 1986.

⁶⁹ Bawa, B., Mr. 11 Salient Features of National Policy on Education (1986). <https://www.yourarticlelibrary.com/education/11-salient-features-of-national-policy-on-education-1986/76821>

par with other educational institutions.⁷⁰ The policy also stated that the government would ensure that these institutions adhered to certain norms and standards of education, such as curriculum and teacher training.⁷¹

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⁷⁰ Gol. (1992). National Policy on Education 1986 Programme of Action 1992. https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf

⁷¹ Chakma, D., Mr. (2022). *National Education Policy 1986*. <https://doi.org/15/01/2022>

⁷² Vidyasagar, K. (2006). Educational Challenges and the Role of Teachers in Andhra Pradesh: A Case for Institutional Initiatives. *Journal of Social and Economic Development*, 9(2), 178-198.

⁷³ Lawstreet New Network (2023). Provisions of Karnataka Education Act on retrenchment of employees applies even for unaided and linguistic minority dental colleges: High Court. *Lawstreet New Journal*. <https://doi.org/Oct 25, 2023>.

⁷⁴ Governor of Karnataka, The Karnataka Education Act, 1983.

⁷⁵ Yakkundimath, T. (2003). *Primary schools in Dharwad: Amidst paisa, power & politics* (No. 0069). Working Paper.

⁷⁶ Pavithra, R. H. (2023). Study on Issue and Challenges of Government Schools in Karnataka. *British Journal of Multidisciplinary and Advanced Studies*, 4(3), 56-72.

⁷⁷ Persaud, P. (2015). Unpacking India's Right to Education Act: The private school free seat provision—potential for increased access and inclusion?.

⁷⁸ Rao, Y. A. (1986). Karnataka. *Indian Journal of Public Administration*, 32(4), 1063-1067.

⁷⁹ Persaud, P. (2015). Unpacking India's Right to Education Act: The private school free seat provision—potential for increased access and inclusion?.

⁸⁰ Human Resource Development (1995) national policy on education 1986 PROGRAMME OF ACTION-1992 https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/POA_1992.pdf

⁸¹ Kantha, V. (2020). National education policies (1968 and 1986) and the Ramamurti committee report (1992). In *Vision of Education in India* (pp. 131-154). Routledge.

⁸² CHAKMA, D., Mr. (2022). National Education Policy 1986. <https://doi.org/15.01.2022>

⁸³ Bhola, H. S. (1988). A Policy Analysis of Adult Literacy Education in India: Across the Two National Policy Reviews of 1968 and 1986.

identity while ensuring they provided a quality education.⁸⁴

The policy recognized the right of religious minorities to establish and administer their educational institutions. It stated that the government would provide financial assistance to these institutions on a par with other educational institutions.⁸⁵ The policy also stated that the government would ensure that these institutions adhered to certain norms and standards of education, such as curriculum and teacher training.⁸⁶

Additionally, the policy recognized the importance of promoting religious tolerance and understanding among students and stated that educational institutions should promote values such as secularism, social harmony, and national integration.⁸⁷ The policy also recognized the need to promote the study of various religions and their contributions to Indian culture and society.⁸⁸

National Policy on Education 1986 Programme on Action 1992, contents No. (107) mentioned "Minority Education."⁸⁹ The Second National Policy on Education (1986) recognized the vital role played by religious minority educational institutions in the development of education in India and aimed to ensure that these institutions received equal treatment and support from the government.⁹⁰

i. impact on Religious Minorities

The National Policy on Education (NPE) of 1986 aimed to provide quality education to all citizens of India, regardless of their background.⁹¹ The policy recognized the importance of diversity and pluralism in Indian society and sought to promote the values of secularism, social justice, and equality.⁹² The policy also acknowledged the role of private educational institutions in providing education and emphasized the need to ensure their accountability and quality.⁹³ It recognized that religious minorities have the right to establish and administer their educational institutions. It stated that the government should support such institutions to promote their educational and cultural interests.⁹⁴

The impact of the NPE on religious minorities in establishing and administering educational institutions in India has been positive. The policy provided a framework⁹⁵ for the recognition and support of minority educational institutions, which has enabled them to function and thrive. The government has provided financial assistance⁹⁶ to minority institutions for infrastructure development,

⁸⁴ Bawa, B., Mr. 11 Salient Features of National Policy on Education (1986). <https://www.yourarticlelibrary.com/education/11-salient-features-of-national-policy-on-education-1986/76821>

⁸⁵ Gol. (1992). National Policy on Education 1986 Programme of Action 1992. https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf

⁸⁶ Chakma, D., Mr. (2022). *National Education Policy 1986*. <https://doi.org/15/01/2022>

⁸⁷ CHAKMA, D., Mr. (2022). National Education Policy 1986. <https://doi.org/15.01.2022>

⁸⁸ Human Resource Development (1995) national policy on education 1986 PROGRAMME OF ACTION-1992 https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/POA_1992.pdf

⁸⁹ Gol. (1992). National Policy on Education 1986 Programme of Action 1992.

⁹⁰ Ministry of Human Resource Development. (1986). National policy on education. https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=The+Second+National+Policy+on+Education+%281986%29+was+a+landmark+do

⁹¹ Shri Arjun Singh, "Minister of Human Resource Development Regarding Modifications To The National Policy On Education (Npe) 1986

⁹² Akshita Gupta, "Critical Analysis of NPE-1986 and NEP-2020". International Journal of Science and Research (IJSR) ISSN: 2319-7064

⁹³ Harry Anthony P, "Education for all: the private sector can contribute".

⁹⁴ Bhavnani, R. (1986). The Struggle for an Anti-Racist Policy in Education in Avon. *Critical Soc. Pol'y*, 6, 104.

⁹⁵ Dr, Rahul Pratap Singh Kaurav, "New Education Policy: Qualitative (Contents) Analysis and Twitter Mining (Sentiment Analysis)."

⁹⁶ Gol, 1992." *National Policy on Education 1986 Programme of Action 1992.*"

teacher training, and research activities.⁹⁷

The National Policy on Education has also helped to ensure that minority institutions are treated fairly and not discriminated against when allocating government resources.⁹⁸ The policy has recognized that minority institutions have the right to admit students of their community and to preserve their cultural and linguistic identity.⁹⁹

Although the National Policy on Education 1986 (NPE) has positively impacted religious minorities, its implementation has encountered challenges.¹⁰⁰ Some institutions representing minority communities have experienced obstacles in obtaining government recognition, impacting their ability to access government resources.¹⁰¹ Additionally, instances of government intervention in the operations of minority institutions have resulted in community protests.¹⁰²

Overall, the NPE has played a significant role in promoting the educational interests of religious minorities in India.¹⁰³ The policy has provided a framework¹⁰⁴ for the recognition and support of minority educational institutions, which has helped to promote their educational and cultural interests.¹⁰⁵

ii. Legislative impact of NPE 1986

a. **The Religious Institutions (Prevention of Misuse) Act of 1988**¹⁰⁶ seeks to prevent the misuse of religious institutions for political purposes or other illegal activities.¹⁰⁷ It aims to promote transparency, regulate the functioning of religious institutions, and prevent them from becoming centers of extremist or divisive activities.¹⁰⁸ It also provides for registering religious institutions and appointing a competent authority to oversee their functioning. The act aims to preserve the country's secular fabric by preventing the use of religious institutions for political or unlawful purposes.¹⁰⁹

b. The National Commission for Minorities Act 1992

The National Commission for Minorities (NCM) is a statutory body set up under the National Commission for Minorities Act 1992.¹¹⁰ Its main objective is to safeguard the constitutional and legal rights of religious minority communities in India, which include Muslims, Christians, Sikhs,

⁹⁷ St George, E. (2003). Government policy and changes to higher education in Vietnam, 1986-1998: education in transition for development?

⁹⁸ Ministry Of Human Resource Development Government of India "Implementation Of National Policy On Education - 1986".

⁹⁹ Singh, H., Mr. (2018). Right of minorities to set up and govern their own Educational institution. *Pleaders*. <https://doi.org/May 7, 2018>

¹⁰⁰ Kantha, V. (2020). National education policies (1968 and 1986) and the Ramamurti committee report (1992). In *Vision of Education in India* (pp. 131-154). Routledge.

¹⁰¹ Cheema, I. K. (2017). Constitutional and Legal Challenges Faced by Religious Minorities in India. US Commission on International Religious Freedom.

¹⁰² Bharat, S. (1968). National policy on education. *History*, 2(3), 1986. https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf

¹⁰³ Gol, 1992." *National Policy on Education 1986 Programme of Action 1992.*"

¹⁰⁴ Dr, Rahul Pratap Singh Kaurav, "New Education Policy: Qualitative (Contents) Analysis and Twitter Mining (Sentiment Analysis)."

¹⁰⁵ Akshita Gupta, "Critical Analysis of NPE-1986 and NEP-2020". International Journal of Science and Research (IJSR) ISSN: 2319-7064

¹⁰⁶ Administrator (2015). The Religious Institution (Prevention of Misuse) Act, 1988. *Lawyerslaw*. <https://doi.org/April 1, 2015>.

¹⁰⁷ MINISTRY OF LAW AND JUSTICE (1988) THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988 1st September 1988, New Delhi

¹⁰⁸ Id. Pages 2-4

¹⁰⁹ CHAUTALA, D., M.P. (2015). THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) AMENDMENT BILL, 2015. *LOK SABHA Bill*. <https://doi.org/2015>.

¹¹⁰ AGGARWAL, P., Mrs. (2021). National Commission for Minorities (NCM). *Indian Polity*. <https://doi.org/22.01.2021>

Buddhists, Zoroastrians (Parsis), and Jains.¹¹¹ The commission also has the responsibility to ensure the welfare of religious minority communities and promote communal harmony.¹¹² There are several functions of the National Commission for Minorities, such as Investigating specific complaints and grievances regarding the deprivation of rights and safeguards of minority communities, conducting studies, making recommendations on issues related to the socio-economic development of minority communities, and monitoring the implementation of various schemes and programs related to the welfare of minority communities and suggesting measures for the effective implementation of constitutional safeguards for minority communities and working with state governments to ensure the effective implementation of measures for the protection of minority communities and advising the central and state governments on policy and legislative matters affecting minority communities.¹¹³ The NCM has the power to summon witnesses, call for documents, and conduct investigations into complaints of violation of the rights of religious minority communities.¹¹⁴ It also has the power to recommend measures to prevent such violations and to provide relief to victims of such violations. The National Commission for Minorities plays a crucial role in protecting the rights of religious minority communities in India and ensuring their welfare. Its efforts have helped to promote communal harmony and prevent discrimination against religious minority communities.¹¹⁵

c. The National Commission for Minority Educational Institutions (NCMEI) Act, 2004

The National Commission for Minority Educational Institutions (NCMEI) Act 2004¹¹⁶ is essential in protecting the educational rights of religious minority communities and their educational institutions in India.¹¹⁷ The NCMEI Act 2004 declares an educational institution as a minority educational institution if it meets the criteria, such as having been established and administered by a minority community. Once declared as a minority educational institution, the institution is entitled to certain rights and privileges, such as the right to reserve seats for minority students.¹¹⁸

The act protects religious minority educational institutions from discrimination and interference by the government or other authorities. The act also allows religious minority educational institutions to establish and administer their institutions without the interference of the government.¹¹⁹

The act provides for the establishment of a National Commission for Minority Educational Institutions as well as State Minority Commissions to protect the educational rights of religious minorities at the national and state levels. These commissions are responsible for monitoring and protecting the rights of minority educational institutions.¹²⁰

¹¹¹ Gaur, M., Mr. (2021). National Commission for Minorities 2022... Read more at: <https://currentaffairs.Adda247.Com/national-commission-for-minorities/>. *Current Affairs*. <https://doi.org/31.05.2022>

¹¹² Luithle-Hardenberg, A. (2020). The Citizen Amendment Act of 2019 and its lack of impact on Shvetambara Jains in Mumbai: cautious debates on religious freedom and minority rights in a gated community. *Nidan: International Journal for Indian Studies*, 5(2), 51-82.

¹¹³ AGGARWAL, P. (2021). National Commission for Minorities (NCM). *Indian Polity*. <https://doi.org/JANUARY 22, 2021>.

¹¹⁴ Gaur, M., Mr. (2021). National Commission for Minorities 2022... Read more at: <https://currentaffairs.Adda247.Com/national-commission-for-minorities/>. *Current Affairs*. <https://doi.org/31.05.2022>

¹¹⁵ Chaturvedi, A., Mr. (2017). The Need for Institutional Reform at the National Minorities Commission, India. <http://www.cornellpolicyreview.com/need-institutional-reform-national-minorities-commission-india/?pdf=3933>

¹¹⁶ Shukla, S. Right of Minority Educational Institutions in India: National Commissions for Minority Educational Institutions Act, 2004 in Perspective. Available at SSRN 998553.

¹¹⁷ Thakur, N., Mr. (2021). Minority educational institutions: A study of constitutional safeguards. *Pleaders*. <https://doi.org/13.07.2012>

¹¹⁸ Govt, O. I. (2018). National Commission for Minority Educational Institutions Guidelines for determination of Minority Status and related matters in respect of Minority Educational Institutions. *Ministry of Human Resource Development*. <https://doi.org/12.06.2018>

¹¹⁹ Singh, P. K., Dr. (2020). *Laws of Minority Educational Rights & Educational Institutions* (2020th ed., pp. PP1-298). Namya Press Delhi (India). <https://namyapress.com/Books/laws-of-minority-educational-rights-educational-institutions/>

¹²⁰ Anwar, S., Mr. (2017). Minority Education policies, programmes and schemes frequently asked questions. PP1-118. <https://ncert.nic.in/degsn/pdf/FAQ-E.pdf>

The NCMEI Act 2004 plays an essential role in protecting the educational rights of religious minority communities and their educational institutions in India by providing legal protections and support to ensure that they can exercise their educational rights and serve the needs of their communities.¹²¹

5. Impact on minorities

The National Policy on Education 1986 recognized the importance of promoting equal access to education for all sections of society, including minorities.¹²² The policy emphasized the need for education that respects the country's diversity and promotes social and national integration.¹²³ Some of the key provisions of the policy relating to religious minorities in educational institutions are:

Reservation of seats: The policy recommended reserving a certain percentage of seats in educational institutions for students from religious minority communities to ensure access to quality education.¹²⁴

Promotion of minority institutions: The policy recognized the importance of religious minority educational institutions and recommended giving them autonomy and support to promote their development.¹²⁵

Promotion of cultural diversity: The policy recognized the need to promote cultural diversity in the education system and recommended that educational institutions promote an understanding and appreciation of the diversity of Indian culture.¹²⁶

Non-discrimination: The policy emphasized the importance of non-discrimination in education and recommended that all students be given equal opportunities regardless of their religion, caste, or community.¹²⁷

The National Policy on Education 1986 also recognized the importance of promoting equal access to education for all sections of society, including minorities. The policy aimed to promote the development of minority educational institutions, ensure the reservation of seats for students from minority communities, and promote the recognition of minority languages and cultural diversity.¹²⁸

The National Policy on Education (NPE) of 1986, albeit being favorable to minority communities, has been subjected to a plethora of criticism.¹²⁹ A significant concern was that it led to an increased government grip over educational institutions, which jeopardized the autonomy and independence of religious minority establishments.¹³⁰ This issue is particularly pertinent to institutions prioritizing religious education as the NPE outlines a national curriculum framework that restricts their ability to create and deliver their own curricula.¹³¹

Moreover, the implementation of the NPE may face challenges, especially concerning religious

¹²¹ Vaishnav, S., Mr. (2018). Educational rights of minorities under article 30 A prime source of inequality. *Legal Service India E-Journal*. <https://doi.org/July 20, 2018>

¹²² Vijapur, A. P., Mr. (2017). Rights of Minorities to Establish and Administer Educational Institutions in India: Some Constitutional Reflections. *Indian Journal of Politics*, Vol. 51, Pages 23. <https://old.amu.ac.in/emp/studym/2996.pdf>

¹²³ Fathima, F., Mr. (2022, December 21). Implementation of New Education Policy In India: An Insight. *The Times of India*.

¹²⁴ Mulatkar, N., Mr. (2020). Reservation in Education System in India. *Legal Service India*. <https://doi.org/May 7, 2020>

¹²⁵ Dr. B .M. Singh, "The Significant Shift in the Education Policy of India". <http://journal.iujharkhand.edu.in/Dec-2020/The-Significant-Shift.html>

¹²⁶ Bharat, S. (1968). National policy on education. *History*, 2(3), 1986. https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf

¹²⁷ Id.

¹²⁸ Id.

¹²⁹ Parankimalil, J. (2015). Equalization of Educational Opportunities. <https://doi.org/November 8, 2015>

¹³⁰ Ramamurthy, S., & Pandiyan, K. (2017). National policy on education 2016: A comparative critique with NPE 1986. *Economic and Political Weekly*, 46-53.

¹³¹ Ministry of Education (2016) National Policy on Education 1986 Programme on Action 1992. https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf

minority institutions.¹³² These institutions may have specific needs and difficulties that necessitate special attention and resources. The failure to account for these needs in policy implementation could further marginalize religious minority communities.¹³³

Thus, it is vital to carefully evaluate the potential effects of the NPE on religious minority institutions and proactively address any challenges that may arise.¹³⁴ By doing so, the NPE could effectively promote educational equity and accessibility for all, including religious minority communities.¹³⁵

iii. Third National Education Policy 2020

The National Education Policy 2020 (NEP 2020) is a comprehensive policy document for education in India that the Union Cabinet approved on July 29, 2020.¹³⁶ It replaced the previous National Policy on Education, which was formulated in 1986 and last modified in 1992.¹³⁷ The NEP 2020 was designed to address the challenges faced by the education system in India and aimed to transform the sector to meet the needs of the 21st century.¹³⁸

i. Impacts on minority education institutions.

The National Education Policy (NEP) 2020 is a comprehensive document that aims to reform the education system in India.¹³⁹ However, there have been concerns raised about the potential negative impact it could have on the rights of religious minorities, particularly regarding the educational institutions established and managed by the minority.¹⁴⁰ One of the primary concerns is related to the provision of the NEP 2020 that allows for the establishment of a single regulatory body for all higher education institutions in India, potentially resulting in a loss of autonomy for minority institutions.¹⁴¹ This has been a longstanding issue, as minority institutions have historically been granted exemptions and autonomy from government regulations to preserve their unique cultural and religious identities.¹⁴²

6. Disadvantages of National Education Policy 2020 for minorities

The National Education Policy 2020 (NEP 2020) has been criticized¹⁴³ for its potential negative impact on minority educational institutions. Some of the disadvantages of the NEP 2020 regarding minority educational institutions include:

a. Centralization of education

The Seventh schedule of the Indian constitution in its entry 25 provides for education as falling within

¹³² Mohanty, S. B. (1986). A Comparative Analysis of National Policy on Education–1986/92 and National Education Policy–2020. *Education*, 92.

¹³³ Gopichandran, V., Mr. (2019). Affirmative action, minorities, and public services in India: Charting a future research and practice agenda. *Indian J Med Ethics*. <https://doi.org/May 11, 2020>

¹³⁴ Raghavan, J. V. (1986). Implementation of the New Education Policy–1986. *Indian Journal of Public Administration*, 32(3), 521-534.

¹³⁵ Ministry of Education National Policy on Education 1986 Programme on Action 1992. https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf

¹³⁶ Policy, N. E. (2020). Ministry of human resource development, the government of India. Retrieved August 30, 2020. https://niepid.nic.in/nep_2020.pdf

¹³⁷ Government of India. (2023). National New Education Policy 2022: NEP 5+3+3+4 Education System. <https://doi.org/April 21, 2023>

¹³⁸ Gupta, A., Mr. (2022). Critical Analysis of NPE-1986 and NEP-2020. *International Journal of Science and Research (IJSR)*, Volume 11, (Issue 4), Pages153. <https://doi.org/April 2022>

¹³⁹ Surya, K., Mr. (2021). National Education Policy 2020. *The Journal of International Issues*, Vol. 25, pp.138-168. <https://doi.org/23 May 2023>

¹⁴⁰ Raina, J. (2020). Policy shifts in school education: Where do we stand. *The JMC Review: An Interdisciplinary Social Science Journal of Criticism, Practice and Theory*, IV, 153-180.

¹⁴¹ Gupta, A., Mr. (2022). Critical Analysis of NPE-1986 and NEP-2020. *International Journal of Science and Research (IJSR)*, Volume 11, (Issue 4), Pages153. <https://doi.org/April 2022>

¹⁴² Surya, K., Mr. (2021). National Education Policy 2020. *The Journal of International Issues*, Vol. 25, pp.138-168. <https://doi.org/23 May 2023>

¹⁴³ Batra, P., Mrs. (2020). NEP 2020: Undermining the Constitutional Education Agenda? *Sage Journals*, Volume 50(Issue 4,), pp.515–531. <https://doi.org/November 17, 2020>

the concurrent list. The NEP offsets this by providing for centralised system of funding, accreditation, curriculum, course design and other regulation. This could lead to centre state conflicts. The policy further emphasizes on the centralization of education and the creation of a centralized regulatory body,¹⁴⁴ by envisioning, India's Higher Education Commission (HECI) as the single apex regulatory authority for higher education in India, replacing University Grants Commission or the All India Technical Education Council. It is apprehended that such centralized outlook on education might make the sector insensitive to demands of minorities unlike state regulations which are generally sensitive to minorities, it may further restrict the autonomy of minority educational institutions and limit their ability to provide education tailored to their students' needs.¹⁴⁵

In India, many religious minority institutions cater specifically to the educational needs of their respective communities and may have provisions for affirmative action and reservations based on religion.¹⁴⁶ Centralized measures could impact these provisions, as centralized policies prioritize a uniform system that does not differentiate religion as a ground.¹⁴⁷ This could result in a reduced ability for religious minority institutions to address their communities' educational and social needs.¹⁴⁸

b. Centralized Curriculum section 1.9¹⁴⁹: Centralization of curriculum¹⁵⁰ would potentially impinge on the freedom of religious minorities in India to design curricula as per their requirements, leading to dilution of the standards of minority educational institutions. The NEP also provides for the inclusion of Hindu texts like the Bhagavad Gita, Ramayana, and Vedas in the curriculum, which would seriously jeopardize the educational rights of religious minorities.¹⁵¹ This requires an in-depth analysis of the policy that impacts different cultural and religious minorities' views.¹⁵²

c. Funding: The NEP 2020 does not provide specific provisions for funding minority educational institutions unlike the previous National Policies on Education,¹⁵³ which may make it difficult for them to implement the changes required by the policy. Centralization may have implications for the allocation of funds and government support to educational institutions.¹⁵⁴ Religious minority institutions that rely on government grants or aid may experience changes in funding mechanisms or reduced financial support under a centralized system. This could impact these institutions' infrastructure, resources, and overall functioning.¹⁵⁵

d. Lack of representation: The policy has been criticized for its lack of representation of minority communities in the drafting process, which may have resulted in a lack of consideration for their unique needs and challenges.¹⁵⁶ There are concerns that the NEP 2020 does not adequately represent or

¹⁴⁴ Ajay Rathod, "Implications of NEP 2020 to Higher Education in India".

¹⁴⁵ Aithal, P. S., & Aithal, S. (2020). Implementation strategies of higher education part of national education policy 2020 of India towards achieving its objectives. *International Journal of Management, Technology, and Social Sciences (IJMITS)*, 5(2), 283-325.

¹⁴⁶ Muralidharan, K., & Singh, A. (2021). India's new national education policy: Evidence and challenges. *Science*, 372(6537), 36-38.

¹⁴⁷ Aithal, P. S., & Aithal, S. (2020). Analysis of the Indian National Education Policy 2020 towards achieving its objectives. *International Journal of Management, Technology, and Social Sciences (IJMITS)*, 5(2), 19-41.

¹⁴⁸ Policy, N. E. (2020). Ministry of human resource development, government of India. *English version*.

¹⁴⁹ Policy, N. E. (2020). Ministry of human resource development, government of India. *English version*.

¹⁵⁰ Aithal, P. S., & Aithal, S. (2020). Implementation strategies of higher education part of national education policy 2020 of India towards achieving its objectives. *International Journal of Management, Technology, and Social Sciences (IJMITS)*, 5(2), 283-325.

¹⁵¹ Rizvi, A. (2021, March 6). UP: Madrasas Protest Move To Make Teaching Of Bhagavad Gita, Ramayana Mandatory. *The Wire*. <https://doi.org/06/MAR/2021>.

¹⁵² Méon, P. G., & Tojerow, I. (2019). The minority ethic: Rethinking religious denominations, minority status, and educational achievement across the globe. *Journal of Comparative Economics*, 47(1), 196-214.

¹⁵³ The Kerala State Higher Education Council, "On National Education Policy 2020 and Kerala"

¹⁵⁴ Aithal, P. S., & Aithal, S. (2020). Analysis of the Indian National Education Policy 2020 towards achieving its objectives. *International Journal of Management, Technology, and Social Sciences (IJMITS)*, 5(2), 19-41.

¹⁵⁵ Mascarenhas, F., Dr. (2020). Consequences of the NEP 2020: An Educator's Viewpoint. *Indian Currents*. <https://doi.org/28 Sep 2020>

¹⁵⁶ Poonam Batra, "NEP 2020: Undermining the Constitutional Education Agenda?". Sage Journals

consult with religious minority communities in its development and implementation. This also raises concerns that the policy may not address these communities' specific needs and concerns.¹⁵⁷

e.The omission of minority educational rights: The previous two policies have a significant place for religious minority educational rights in the primary content itself.¹⁵⁸ However, the new NEP document does not mention religious minority's educational rights. It is entirely out of the policy¹⁵⁹ that creates a sense of apprehension¹⁶⁰ for religious minority groups in the future.

f.School Complex Management Committee: Under Section 7(7), the school complex Management committee will run the entire institution.¹⁶¹ Subsequently, the development plan of each school complex will be endorsed and approved by the BEO (the executive officer). Whether this will apply to minority educational institutions as per the rules is not clearly mentioned in the policy. It generates unnecessary apprehension¹⁶² for the minority groups who run the schools. The NEP promotes having Samajik Chetna Kendras on every school campus. Finally, the head of the institution will have no more control over the campus.¹⁶³

g.Non-inclusive approach.

While drafting the new policy, no Christian educators were invited to the entire exercise process, even though Christian educational institutions are the most rated in the country.¹⁶⁴ The entire document looks backward rather than forward. For example, in the entire document, nothing has been said about the excellent progress made in post-independence India, such as Aligarh Muslim University, Jamia Millia Islamia, Banaras Hindu University, and various prestigious Christian universities and colleges. The NEP goes back to the Vedic era (Varna System of education), where Brahmins used to guard Vedic knowledge, Kshatriyas were rulers (kings), Vaishyas were traders, and Sudras were the workers (education was a distant dream for them).¹⁶⁵ This type of ancient system is undesirable and unsuited to the 21st century, where education development is extremely high in other parts of the world. It is high time for India to develop a workforce and intellect to combat world problems.

h.The removal of reservations of SCs and STs

To provide social justice to those who are socially and educationally backward, The Indian Constitution under Article 46 recognized the categories of Scheduled Caste (SC), Scheduled Tribe (ST), and Other Backward Castes (OBCs).¹⁶⁶ Subsequently, the Supreme Court of India has repeatedly upheld these provisions and set a cap of 50 percent on these reservations.¹⁶⁷ The NEP 2020 combined all marginalized groups, including women, minorities, individuals with disabilities, and people experiencing poverty, into a single category known as "socio-economically disadvantaged groups" (SEDGs).¹⁶⁸ However, these groups' needs require policy redress. By doing this, the NEP effectively hid the fact that these are distinct, constitutionally mandated categories. Thus, it is

¹⁵⁷ Kalyani, P. (2020). An empirical study on NEP 2020 [National Education Policy] with special reference to the future of Indian education system and its effects on the Stakeholders. *Journal of Management Engineering and Information Technology*, 7(5), 1-17.

¹⁵⁸ Muralidharan, K., & Singh, A. (2021). India's new national education policy: Evidence and challenges. *Science*, 372(6537), 36-38.

¹⁵⁹ Dr. Frazer Mascarenhas, SJ "Consequences of the NEP 2020 for Education, The New Leader, 2020

¹⁶⁰ The Kerala State Higher Education Council, "On National Education Policy 2020 and Kerala"

¹⁶¹ Abhiyan, S. S. (2018). Department of School Education and Literacy. *MHRD, Government of India*.

¹⁶² Prof Sonajharia Minz, Prof Sybil Thomas & Dr Ashish Alexander (2020). A Critical Analysis of the National Education Policy 2020. TRA CI. <https://doi.org/September 28, 2020>.

¹⁶³ Sundaram, K. M. (2020). A Study on National Education Policy 2020 Concerning Career Opportunities. *Shanlax International Journal of Economics*, 9(1), 63-67.

¹⁶⁴ Mascarenhas, F., Dr. (2020, September 28). Consequences of the NEP 2020: An Educator's Viewpoint28. *Indian Currents*. <https://doi.org/28 Sep 2020>

¹⁶⁵ Abhiyan, S. S. (2018). Department of School Education and Literacy. *MHRD, Government of India*.

¹⁶⁶ Dinesh Maheshwari, S.Bhat,Trivedi, Abhiyan vs Union Of India (SC)on 7 November, 2022

¹⁶⁷ Ray, A.N.& ors "State Of Kerala & Anr vs N. M. Thomas & Ors) SC on 19 September, 1975

¹⁶⁸ Mahmut, Ö. Z. E. R. (2020). Educational policy actions by the Ministry of National Education in the times of COVID-19 pandemic in Turkey. *Kastamonu Eğitim Dergisi*, 28(3), 1124-1129.

dubious.¹⁶⁹

i.Lack of clarity on Article 30

The National Education Policy 2020 deliberately kept silent on Article 30 of the Indian Constitution, which mandated the protection and promotion of the rights of religious minorities **to establish and administer** educational institutions of their choice.¹⁷⁰ Admittedly, this provision helped provide education and promoted their language, script, and culture to their own choice.¹⁷¹ The religious minorities in India have a glorious history and have played a significant role in contributing to educational growth in India. Still, surprisingly it is absent in the new education policy.¹⁷²

j.No mention of Secularism

The NEP lacks critical awareness of the realities of education in society.¹⁷³ Systematically, the policy does not mention secularism, which is one of the most significant pillars of the Indian Constitution.¹⁷⁴ It smilingly looks like it is hiding the core constitutional values of equality, fraternity, and justice, which are essential to the education of secular India.¹⁷⁵ Social equity and democratic access to education are overlooked by the National Education Policy 2020, thus hindering unconventional, critical thinking and free inquiry by tying value education to a Vedic belief system inconsistent with modern society and constitutional principles.¹⁷⁶ The policy also suppresses the cultural diversity and variety of the evolution of knowledge production in the nation. It reduces it to a small number of sacred texts from the ancient era of the Vedic past. Furthermore, the decentralized principles and practices authorized by the constitution are of standard use.¹⁷⁷

k.Board of Governors (BoG)

Under Section 19(2), the Central Government shall establish a board of governors (BoG) in higher education. It consists of several members who will be part of the governing board committee.¹⁷⁸ These would be unholy governance structures¹⁷⁹ with less experience in managing education. This might lead to the collapse of the institutions people have built up through hard work over the years. Under Article 30, the terms 'establish' and 'administer' are read conjunctively, not separately, regarding the provision.¹⁸⁰ The Constitution mandates religious minority groups special rights to establish and administer institutions of their choice.¹⁸¹ However, national education policy seems to be violating the unfettered rights of minorities.¹⁸²

Overall, the NEP 2020 may have some disadvantages for minority educational institutions, which may impact their ability to provide education tailored to their students' needs. However, it is essential to note that the policy also has several positive aspects that can benefit the education system as a whole, and it will be necessary to monitor the policy's implementation to ensure that all communities' needs

¹⁶⁹ Sundaram, K. M. (2020). A Study on National Education Policy 2020 Concerning Career Opportunities. *Shanlax International Journal of Economics*, 9(1), 63-67.

¹⁷⁰Dr. Bharti Kumar, "Inclusivity vis-à-vis National Education Policy 2020". National Law university Delhi Bono, P. Legal Aid Clinic on Education & Legal Services Committee. (2021). *Inclusivity vis-à-vis National Education Policy 2020*.

¹⁷¹ Kumar, K., Prakash, A., & Singh, K. (2021). How National Education Policy 2020 can be a lodestar to transform future generation in India. *Journal of Public affairs*, 21(3), e2500.

¹⁷² Aithal, P. S., & Aithal, S. (2020). Analysis of the Indian National Education Policy 2020 towards achieving its objectives. *International Journal of Management, Technology, and Social Sciences (IJMTS)*, 5(2), 19-41.

¹⁷³Poonam Batra "NEP 2020: Undermining the Constitutional Education Agenda?" Volume 50, Issue 4, Dec 9, 2020

¹⁷⁴ Dr. Frazer Mascarenhas, "Consequences of the NEP 2020: An Educator's Viewpoint". 28 Sep 2020

¹⁷⁵ Dr. Bharti Kumar, "Inclusivity vis-à-vis National Education Policy 2020".

¹⁷⁶ Kumar, K., Prakash, A., & Singh, K. (2021). How National Education Policy 2020 can be a lodestar to transform future generation in India. *Journal of Public affairs*, 21(3), e2500.

¹⁷⁷ Com, B. (2021). National education policy 2020.

¹⁷⁸ Dr. Bharti Kumar, "Inclusivity vis-à-vis National Education Policy 2020".

¹⁷⁹Dr. Frazer Mascarenhas, "Consequences of the NEP 2020: An Educator's Viewpoint". 28 Sep 2020

¹⁸⁰ Ranu Jain "Minority Rights in Education: Reflections on Article 30 of the Indian Constitution". 2005

¹⁸¹ Millia Dasgupta and Nimisha Dubish (2022). Cultural and Educational Rights: Articles 29-30 under Indian Constitution. Pleadings. <https://doi.org/October 9, 2022>.

¹⁸²Abdulrahim P. Vijapur1 Haris "Rights of Minorities to Establish and Administer Educational Institutions in India: Some Constitutional Reflections". 2017

are being addressed.¹⁸³

7. Conclusion

Right from the promulgation of the policy, it has been non-inclusive in nature,¹⁸⁴ as no Christian educators were invited to the entire exercise process, even though Christian educational institutions are few of the most institutions rated in the country.¹⁸⁵ The quality of education the Christian institutions provide in the country has been acknowledged and underscored in the previous NEPs; exclusion of the same can lead to the dilution of Christian educational institutions in the country.¹⁸⁶ The drafting process also excluded members from religious minority communities, which may have resulted in a lack of consideration for their unique needs and challenges.¹⁸⁷

The concept of Secularism,¹⁸⁸ which is one of the most significant pillars of the Indian Constitution and is the umbrella of protection of educational minorities in the country and which was emphasized by the previous educational policies, has been omitted by the NEP 2020; this denotes that the NEP provides for non-secular interference in education by the government.¹⁸⁹ This can be detrimental to the educational rights¹⁹⁰ of minorities in the country and is seen as a harbinger of the saffronization of education.¹⁹¹ For example, the National Policy on Education 1986 emphatically emphasizes that “*All educational programs will be carried on in strict compliance with secular values.*”¹⁹²

Centralization of curriculum would take away the freedom of minorities to design curriculum as per their requirements, leading to dilution of the standards of minority educational institutions.¹⁹³ The NEP also provides for the inclusion of Hindu texts like the Bhagavad Gita, the Ramayana, and Vedas in the curriculum, which would seriously jeopardize the educational rights of religious minorities.¹⁹⁴

The silence of the National Education Policy 2020 on Article 30 of the Indian Constitution, which mandated the protection and promotion of the rights of religious minorities to establish and administer educational institutions of their choice, is a huge setback for the educational rights of religious minorities.¹⁹⁵ Any dilution of Article 30 will lead to the erosion of minority educational institutions and, ultimately, the avenues for religious minorities to get a decent education.¹⁹⁶

¹⁸³ Aithal, P. S., & Aithal, S. (2020). Analysis of the Indian National Education Policy 2020 towards achieving its objectives. *International Journal of Management, Technology, and Social Sciences (IJMTS)*, 5(2), 19-41.

¹⁸⁴ Keshvi Raonka & Tammana Joon (2020). Analysing Non-Inclusive New Education Policy 2020 Concerning Children from Marginalised Community and Proposing Solutions. *International Journal of Policy Sciences and Law, Volume 1*, (Issue 2).

¹⁸⁵ Dr. Frazer Mascarenhas (2020). Consequences of the NEP 2020: An Educator's Viewpoint. *Indian Currents*. <https://doi.org/28 Sep 2020>.

¹⁸⁶ MANJUNATHA S. (2018). History of Education Policy in India. Ebook.

¹⁸⁷ Dr. Frazer Mascarenhas (2020). Consequences of the NEP 2020: An Educator's Viewpoint. *Indian Currents*. <https://doi.org/28 Sep 2020>.

¹⁸⁸ Gowda, C. (2019). Missing secularism in new education policy 2019. *Livemint*. <https://doi.org/26 Jun 2019>.

¹⁸⁹ Dr. Frazer Mascarenhas (2020). Consequences of the NEP 2020: An Educator's Viewpoint. *Indian Currents*. <https://doi.org/28 Sep 2020>.

¹⁹⁰ Srikanth, H. (2022, August 23). Is NEP 2020 the garb for saffronization? *The Shillong Times*. <https://doi.org/August 23, 2022>.

¹⁹¹ Khan, B. A. (2020). The National Education Policy: A Perspective from Below. *Counter Currents.Org*. <https://doi.org/12/09/2020>.

¹⁹² Gowda, C. (2019). Missing secularism in new education policy 2019. *Livemint*. <https://doi.org/26 Jun 2019>.

¹⁹³ Ahmed, S. T. (2020). NEP 2020 through Muslim prism. *India Tomorrow*. <https://doi.org/September 1, 2020>.

¹⁹⁴ Rizvi, A. (2021). UP: Madrasas Protest Move to Make Teaching of Bhagavad Gita, Ramayana Mandatory. *WIRE*. <https://doi.org/06/MAR/2021>.

¹⁹⁵ Dr. Frazer Mascarenhas (2020). Consequences of the NEP 2020: An Educator's Viewpoint. *Indian Currents*. <https://doi.org/28 Sep 2020>.

¹⁹⁶ Vallabh, G. (2020, August 12). Does the National Education Policy miss out on real issues? *The New Indian Express*. <https://doi.org/12 Aug 2020>.

The creation of a School Complex Management Committee for the management of lower education and a Board of Governance for the management of higher education would divest the minority communities from managing the institutions they have built.¹⁹⁷ It will lead to the dilution of their standards by external influences and erosion of the right to manage the educational institutions they have established as envisaged under Article 30 of the Indian constitution.¹⁹⁸ Similarly, the NEP provides for the National Testing Agency (NTA) as the sole premier expert body that will conduct common entrance examinations of UG and PG admission in the country, leading to centralized recruitment of students at colleges and universities, divesting the minority-run institutions from keeping their standards for admission of students.¹⁹⁹ The Teachers Eligibility Test (TET) is also mandatory for every level of teachers, which shall affect the freedom of recruitment of minority management.²⁰⁰

¹⁹⁷ Dr. Frazer Mascarenhas (2020). Consequences of the NEP 2020: An Educator's Viewpoint. *Indian Currents*. <https://doi.org/28 Sep 2020>.

¹⁹⁸ Khan, B. A. (2020). The National Education Policy: A Perspective from Below. *Counter Currents.Org*. <https://doi.org/12/09/2020>.

¹⁹⁹ Dr. Frazer Mascarenhas (2020). Consequences of the NEP 2020: An Educator's Viewpoint. *Indian Currents*. <https://doi.org/28 Sep 2020>.

²⁰⁰ Id.